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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HENRY LUJAN, an individual,

Plaintiff,

GORDON WESLEY THOMAS, an individual;
SWIFT TRANSPORTATION COMPANY, an
Arizona corporation; SWIFT
TRANSPORATION CO. OF ARIZONA, LLC,
a foreign corporation; DOES 1 through 10,
inclusive; and ROE CORPORATIONS I through
10, inclusive.

Defendants.

CASE NO.: 2:16-CV-02694-RFB-NJK

**STIPULATION AND ORDER TO EXTEND
DISCOVERY**

(FIFTH REQUEST)

IT IS HEREBY STIPULATED AND AGREED, by Defendants and Plaintiff, by and through their undersigned counsel, that discovery be extended 60 days beyond the Discovery Schedule in the Order, dated February 14, 2018 (Document No. 33).

Per Federal Rules of Civil Procedure 16(b), and Local Rule 26-4 the following is included in support of the proposed 90 day extension to the Discovery Schedule (***new information in bold italics***):

1. Local Rule 26-4(a) Statement: See Exhibit A.

- 1 2. Local Rule 26-4(b) Statement: See Exhibit B.
- 2 3. Local Rule 26-4(c) Statement: *The extension is requested for two reasons.*
- 3 a. *First, on May 1, 2018, Plaintiff had scheduled the deposition of Lars*
- 4 *Reinhardt, MD in San Antonio, Texas. However, the deposition had to be*
- 5 *cancelled last minute due to a family/medical emergency involving Mr.*
- 6 *Schwartz. The deposition is being rescheduled to a date mutually agreeable*
- 7 *in July 2018.*
- 8 b. *Second, Defendant has scheduled the deposition of Marjorie Belsky, MD for*
- 9 *Wednesday, June 27 (Notice was sent on April 13, 2018).*
- 10 a) Discovery Cut-Off Dates. The last day to conduct Discovery shall be ***Monday, August 6, 2018;***
- 11 b) Amend Pleadings/Add Parties. Closed.
- 12 c) Initial Experts disclosure deadline. Closed.
- 13 d) Rebuttal Expert Disclosure Deadline. ***Monday, July 9, 2018.***
- 14 e) Interim Status Report. Closed. (Filed with the Court on September 25, 2017. Document
- 15 No. 27.)
- 16 f) Dispositive Motions. The deadline to file dispositive motions will be on or before
- 17 ***Monday, September 3, 2018.*** This date does not exceed the outside limit of 30 days
- 18 following the Discovery cut-off date pursuant to Local Rule 26-1(e)(4).
- 19 g) Pre-trial Order. The pre-trial order shall be filed by ***Monday, October 1,*** which is not
- 20 more than 30 days after the date set for filing dispositive motions. This deadline is
- 21 suspended if dispositive motions are timely filed until 30 days after decision is rendered
- 22 or until the Court further orders.
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1 h) Extensions or Modifications of the Discovery Plan and Scheduling Order. Any
2 stipulation or motion must be made no later than ~~20~~²¹ days prior to the deadline to be
3 extended; and must be supported by a showing of good cause for the extension.

4 The Parties recognize and acknowledge that this stipulation is being filed outside of the
5 presumptive 21-day time period for extending the expert disclosure deadline. However, they
6 respectively submit that the family/medical emergency involving Mr. Schwartz constitutes excusable
7 neglect.

8

9 DATED this 5th day of June, 2018.

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11 _____
12 /s/ *Bruce Scott Dickinson*
13 BRUCE SCOTT DICKINSON
14 Nevada Bar No. 002297
15 JACQUELYN M. FRANCO, ESQ.
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22 *Attorney for Defendants*

23

24 DATED this 5th day of June, 2018.

25

26 _____
27 /s/ *Ralph A. Schwartz*
28 RALPH A. SCHWARTZ, ESQ.
29 Nevada Bar No.: 005488
30 RALPH A. SCHWARTZ, P.C.
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35 *Attorneys for Plaintiff*

36

37 **ORDER**

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39 It is so ordered this 6th day of June _____, 2018.

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42 U.S. MAGISTRATE JUDGE
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Exhibit A: Discovery completed

DATE	DISCOVERY
12/23/16	Plaintiffs' initial F.R.C.P. 26(a) Disclosure
01/10/17	Defendants' initial F.R.C.P. 26(a) Disclosure
01/23/17	Defendants' interrogatories and requests for production to Eduardo Gonzalez-Chavez
01/23/17	Defendants' interrogatories and requests for production to Henry Lujan
01/23/17	Defendants' interrogatories and requests for p[roduction to Eduardo Gonzalez
01/25/17	Plaintiffs' F.R.C.P. 26(a) Disclosure (1 st Supplement)
02/23/17	Eduardo Gonzalez' Answers to Interrogatories and Responses to Requests for Production
03/10/17	Henry Lujan's Answers to Interrogatories and Responses to Requests for Production
04/19/17	Defendants' F.R.C.P. 26(a) Disclosure (1 st Supplement)
05/12/17	Defendants' 2 nd Set of Requests for Production to Henry Lujan
05/12/17	Zoran Maric, M.D. conducted an F.R.C.P. 35 examination of Mr. Lujan.
05/15/17	Defendants' F.R.C.P. 26(a) Disclosure (2 nd Supplement)
06/02/17	Defendants' F.R.C.P. 26(a) Disclosure (3 rd Supplement)
06/23/17	Henry Lujan's Responses to Swift's Second Set of Requests for Production
06/26/17	Plaintiff's F.R.C.P. 26(a) Disclosure (2 nd Supplement)
07/06/17	Defendants' F.R.C.P. 26(a) Disclosure (4 th Supplement)
07/10/17	Plaintiff's F.R.C.P. 26(a) Disclosure (3 rd Supplement)
07/26/17	Defendants' F.R.C.P. 26(a) Disclosure (5 th Supplement)
08/15/17	Plaintiff's F.R.C.P. 26(a) Disclosure (4 th Supplement)
08/17/17	Defendants' F.R.C.P. 26(a) Disclosure (6 th Supplement)
09/13/17	Defendants' F.R.C.P. 26(a) Disclosure (7 th Supplement)
09/20/17	Defendants' F.R.C.P. 26(a) Disclosure (8 th Supplement)
10/04/17	Defendants' 2 nd Set of Interrogatories to Henry Lujan
10/04/17	Defendants First Set of Requests for Admissions to Henry Lujan
10/09/17	Plaintiff's F.R.C.P. 26(a) Disclosure (5 th Supplement)
10/09/17	Plaintiff's Initial Expert Disclosure
10/09/17	Defendants' F.R.C.P. 26(a) Disclosure (9 th Supplement)
10/11/17	Defendants' F.R.C.P. 26(a) Disclosure (10 th Supplement)
11/06/17	Henry Lujan's Responses to Defendants' First Set of Requests for Admissions
11/08/17	Henry Lujan's Answers to Defendants' Second Set of Interrogatories

01/05/18	Plaintiff's F.R.C.P. 26(a) Disclosure (6th Supplement)
01/10/18	Plaintiff's F.R.C.P. 26(a) Disclosure (7th Supplement)
01/10/18	Plaintiff's First Supplement to Initial Expert Disclosure
01/12/18	Plaintiff's F.R.C.P. 26(a) Disclosure (8th Supplement)
02/08/18	Defendants' F.R.C.P. 26(a) Disclosure (11th Supplement)
03/05/18	Plaintiff's F.R.C.P. 26(a) Disclosure (9th Supplement)
04/17/18	Plaintiff's Second Supplement to Initial Expert Disclosure
04/17/18	Plaintiff's F.R.C.P. 26(a) Disclosure (10th Supplement)
04/27/18	Defendants' F.R.C.P. 26(a) Disclosure (12th Supplement)
05/14/18	Defendants' F.R.C.P. 26(a) Disclosure (13th Supplement)
05/15/18	Defendants' F.R.C.P. 26(a) Disclosure (14th Supplement)
	Defendants have obtained and disclosed approximately 1,000 pages of Mr. Lujan's non-medical records from: <ul style="list-style-type: none"> a. LVMPD Traffic Accident Report and photos b. Swift claim file and tractor photos c. Gordon Thomas Driver Qualification File d. Property Damage Appraisers' estimate and photos re: Miguel Gonzalez's 2001 Ford Expedition e. Property Damage Appraisers' estimate and photos re: Henry Lujan's 2002 GMC Sierra pickup f. LVMPD records re: Henry Lujan g. Thorndahl Armstrong Balkenbush & Delk (Paul Eisinger) records re: Lujan v. Jackson Rock Springs Stages
	Defendants have requested but not yet received the following non-medical records: <ul style="list-style-type: none"> a. GMS Concrete employment records – GMS has gone out of business
	Defendants have obtained and disclosed 1,487 pages of Mr. Lujan's medical records and billings from the following medical providers: <ul style="list-style-type: none"> a. Las Vegas Pharmacy b. Medical Practice Management c. Procare Medical Center d. UMC e. Desert Radiologists f. Integrated Pain Specialists g. Urgent Care h. Desert Orthopedics Center i. Las Vegas Radiology j. Pueblo Medical Imaging k. Desert Institute of Spine Care

	<ul style="list-style-type: none"> i. Mario Tarquino, M.D. m. West Sunset Surgical Center n. Zynex Medical o. Sierra Medical Services p. Don Nobis, RPT q. Raxo Drugs r. Guardian Angel Homecare s. Desert Sunset Pain Consultants t. City of Las Vegas EMTs u. Desert Eye Care v. CVS Pharmacy w. Wal-Mart Pharmacy x. Single Day Surgery Center
	<p>The following depositions have been taken:</p> <ul style="list-style-type: none"> a. Mr. Lujan b. Andrew Cash, M.D. c. Don Nobis, MSPT d. Trooper Scott Nelson e. Thomas Dunn, M.D. f. Glenn S. Lipson, Ph.D. g. Zoran Maric, M.D.
	<p>Plaintiff has designated the following experts:</p> <ul style="list-style-type: none"> a. Andrew Cash, M.D b. Treating Physicians: <ul style="list-style-type: none"> i. Andrew Cash, M.D. ii. Marjorie Belsky, M.D. iii. Thomas Dunn, M.D.
	<p>Defendants have designated the following experts:</p> <ul style="list-style-type: none"> a. Zoran Maric, M.D. b. Glenn S. Lipson, Ph.D. c. Lars Rhinehart, M.D.

Exhibit B: Discovery to be completed

The parties wish to take the following depositions:

- A) Plaintiff's Experts:**
**Marjorie Belsky, M.D. (scheduled June 27, 2018;
Noticed April 13, 2018)**
- B) Defendants' experts**
Dr. Reinhart (will be rescheduled to July 2018)